

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DAVID SELLER

V.

CORRAL TRAN SINGH LLP, AND
SUSAN TRAN, INDIVIDUALLY, AND
BRENDON SINGH, INDIVIDUALLY

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CIVIL ACTION NO. 4:16-CV-976

NOTICE OF REMOVAL

Defendants, Corral Tran Singh, LLP, Susan Tran, and Brendon Singh (collectively “CTS”), file this Notice of Removal under 28 U.S.C. § 1446, and would respectfully show the Court:

1. This case is removed based on federal question jurisdiction under 28 U.S.C. § 1334.
2. The proceeding being removed is Cause No. 2016-01407; *David Sheller v. Corral Tran Singh, LLP, Susan Tran, and Brendon Singh*; in the 127th District Court of Harris County, Texas. It was filed January 8, 2016.
3. Plaintiff alleges CTS committed certain acts and omissions in their work as attorneys for debtor, New Millennium Management, LLC, in a bankruptcy proceeding, Case No. 13-35719-H3-7; *In re: New Millennium Management, LLC*; in the U.S. Bankruptcy Court for the Southern District of Texas-Houston Division (“Underlying Case”). Plaintiff asserts a DTPA violation based on CTS’s work in the Underlying Case. Plaintiff’s allegations include that CTS was not competent to present evidence to the court, failed to prepare witnesses for hearings, and provided incorrect advice to the debtor.

4. Attached to this notice of removal are all documents required to be filed with this Court under 28 U.S.C. § 1446(a) and Southern District Local Rule 81.

5. No jury demand was filed in the Texas state court in which this case was originally filed.

6. For about one month, CTS served as counsel for the debtor in the Underlying Case. CTS's work for the debtor was on matters concerning the administration of the estate. 28 U.S.C. §§ 157(b)(2)(A), 1334(a). In particular, the hearing in which CTS represented the debtor concerned whether to appoint a trustee or allow the Underlying Case to continue as a debtor in possession case.

7. While CTS denies the allegations of Plaintiff, those allegations, if true, would present a claim to the debtor for malpractice. That claim would have value to the estate in the Underlying Case. 28 U.S.C. §§ 157(b)(2)(A),(O). If true, Plaintiff's claims would entitle New Millennium Management, LLC to damages, and potentially the forfeiture of those fees paid to CTS from the estate.

8. Since CTS's work was on a bankruptcy over which this Court and the bankruptcy courts of this district have jurisdiction, this Court has federal question jurisdiction over any claims against CTS arising out of the work for the debtor. *Frazin v. Haynes & Boone, LLP (In re Frazin)*, 732 F.3d 313, 321-22 (5th Cir. 2013); *Southmark Corp. v. Coopers & Lybrand (In re Southmark Corp.)*, 163 F.3d 925, 931 (5th Cir. 1999). As a result, this case is removable under 28 U.S.C. § 1441(b).

9. All Defendants were served on March 22, 2016, file this notice of removal within 30 days of service, and consent to removal.

For these reasons, Corral Tran Singh, LLP, Susan Tran, and Brendon Singh remove this case and request that this Court assume jurisdiction, enter all orders necessary for the administration of this case, and grant them all other and further relief to which they show themselves to be justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading has been served on all counsel of record and pro se parties in accordance with the Texas Rules of Civil Procedure, on this 11th day of April, 2016, as follows:

David L. Sheller
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Richard G. Wilson
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